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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,320	05/09/2002	Marko Siiskonen	042933/321087	7933

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ALSTON & BIRD LLP  
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101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER
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NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/069,320

Applicant(s)

SIISKONEN ET AL.

Examiner

Quynh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed 12/29/06 has been entered. Claims 1 and 20 have been amended. No claims have been cancelled. Claim 44 has been added. Claims 1-44 are still pending in this application, with claims 1, 20, 25, and 44 being independent.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
4. Claim 44 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 44, claims the non-statutory subject matter of a computer program product comprising a readable storage medium having computer readable program code. Data

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structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held nonstatutory). Therefore, since the claimed computer program product comprising a readable storage medium having computer readable program codes are not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101.

### ***Claim Rejections - 35 USC § 103***

5. Claims 1-3, 6, 10-13, 20-21, 23-26, and 40-44 are rejected under 35 U.S.C. 102(b) as being unpatentable over Burg (U.S. Patent 6,724,878) in view of Palviainen (U.S. Patent 5,920,812).

As to claim 1, Burg teaches a method of notifying a call forwarding party about a forwarded call, said method comprising the steps of: forwarding a call from a calling party (Fig. 1, 116) to a destination (col. 7, lines 46-48 and lines 54-57) defined by the call forwarding party (Fig. 1, 118); establishing processable data content of a notification about the forwarded call (col. 8, lines 58-60); and sending the notification by a service of a communication network to a terminal of the call forwarding party (station 118, terminal 114), wherein the notification comprises said processable data content (col. 9, lines 16-23).

Burg does not teach the notification comprises information about a type of forwarding.

Palviainen teaches teach the notification comprises information about a type of forwarding (col. 2, line 58 through col. 3, line 6; col. 6, lines 66-67). For example, if a call is data call, omit the intermediate announcement and perform the call forwarding. Another example is if a call is speech call forwards the call to secretary, and if a call is data call or telefax forwards the call to telefax number (col. 9, lines 10-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Palviainen into the teachings of Burg for the purpose of checking the type of transmitting call and omitting announcements relating to the type of forwarding in connection with a data call.

As to claims 2 and 21, Burg teaches the processable data content comprises information about at least one of a calling party number (col. 9, lines 20-23), a call duration, a time of forwarding, a call charge and a number to which said call has been forwarded.

As to claims 3 and 26, Burg teaches the information comprising said processable data content of the notification corresponds to data, which is processable by the terminal of the call forwarding party (station 118, terminal 114).

As to claim 6, Burg teaches sending of the notification is performed by utilizing a packet data bearer (col. 8, lines 58-67).

As to claim 10 and 11, Burg teaches the service responsive for sending the notification to a terminal of a call forwarding party and call forwarding request is a service within intelligent network SCP (col. 3, line 65 through col. 4, line 7).

As to claims 12 and 13, Burg teaches the processable data content includes at least part of the conditions that have resulted in call forwarding and the conditions are the data on which the forwarding service has made the decision to forward the call (col. 7, lines 38-62).

As to claim 20, Burg teaches a communication network comprising: a call forwarding service device (CO 108) which is able to determine a calling party number (col. 7, lines 38-60); a device for measuring a call duration of a forwarding call (col. 2, lines 32-36 - *where Berg discussed setting an available for incoming calls state and not available for incoming calls state, hence is inherently that the call duration of a forwarding call need to be determined in order to switch between states*; col. 9, lines 20-23 - *where Berg discussed length or call duration of a message of a call forwarded to voice mail*); and a service device (processor 205) for sending a notification to a terminal of a call forwarding party (col. 8, lines 58-60).

Burg does not teach the notification comprises information about a type of forwarding.

Palviainen teaches teach the notification comprises information about a type of forwarding (col. 2, line 58 through col. 3, line col. 6, lines 66-67). For example, if a call is data call, omit the intermediate announcement and perform the call forwarding.

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Another example is if a call is speech call forwards the call to secretary, and if a call is data call or telefax forwards the call to telefax number (col. 9, lines 10-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Palviainen into the teachings of Burg for the purpose of checking the type of transmitting call and omitting announcements relating to the type of forwarding in connection with a data call.

As to claims 23 and 40-41, Burg teaches at least some of the functionalities of the call forwarding service device, measuring device, notification sending service device and voice processing server are implemented into one single device (Fig. 1, CO 108 for forwarding calls and a device for measuring a call duration of a forwarding call are implemented in one single device).

As to claims 24 and 42-43, Burg teaches at least some of the functionalities of the call forwarding service device, measuring device, notification sending service device and voice processing server is distributed over at least two different devices (call forwarding device and voice processing device is distributed over two different devices).

As to claim 25, Berg teaches the steps of: means adapted for setting a call forwarding service device of a communication network to which network said terminal subscriber (col. 7, lines 38-60 - CO 108); means adapted for receiving a notification having processable data from the forwarded call (col. 8, lines 58-60 - station 118); and means adapted for displaying a content of said notification (Fig. 1, terminal 114).

Burg does not teach the notification comprises information about a type of forwarding.

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Palviainen teaches teach the notification comprises information about a type of forwarding (col. 2, line 58 through col. 3, line col. 6, lines 66-67). For example, if a call is data call, omit the intermediate announcement and perform the call forwarding. Another example is if a call is speech call forwards the call to secretary, and if a call is data call or telefax forwards the call to telefax number (col. 9, lines 10-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Palviainen into the teachings of Burg for the purpose of checking the type of transmitting call and omitting announcements relating to the type of forwarding in connection with a data call.

Claim 44 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Burg teaches a computer program product comprises a computer readable storage medium having computer readable program codes to perform the steps of claim 44 (col. 3, line 10 through col. 4, line 61).

6. Claims 4-5, 7-9, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg (U.S. Patent 6,724,878) in view of Palviainen (U.S. Patent 5,920,812) and further in view of Pepper et al. (U.S. Patent 5,930,700).

As to claims 4-5, 7-9, and 22, Berg does not teach the notification is a message of the Short Message Service, Unstructured Supplementary Service Date, voice processing server, and within a mobile network and Wireless Telephony Applications server.



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Pepper et al. teaches notifying / alerting the subscriber (col. 12, lines 35-41) via the subscriber's PCS connected to a wireless communications network such as Short Message service Unstructured Supplementary Service Data, voice processing server, and within a mobile network and Wireless Telephony Applications server (col. 8, lines 35-52; col. 1, line 65 through col. 2, line 61; col. 2, lines 42-46 - *where Pepper discussed the PDA (communicates with the GUI to alert the subscriber - col. 6, lines 1-5) connected to a wireless communications network which provides voice and other types of communication, i.e. short message*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Pepper into the teachings of Berg thus making the system more efficient and diverse by notifying the subscriber via different types of communications such as e-mail, facsimile, Short Message Service, etc.

7. Claims 14-19, 27-29, 31-32, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg (U.S. Patent 6,724,878) in view of Palviainen (U.S. Patent 5,920,812) and further in view of Shen et al. (US 2001/0010691).

As to claims 14, 28-29, 31-32, and 36-39, Berg does not teach a break-off condition of the forwarded call is predefined by a user of the terminal, and the notification is sent when the break-off condition is fulfilled, after which the method further comprises the step of accepting or refuse a continuation of the forwarded call.

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Shen et al. teaches a break-off condition of the forwarded call is predefined by a user of the terminal, and the notification is sent when the break-off condition is fulfilled, after which the method further comprises the step of accepting or refuse a continuation of the forwarded call (page 5, [0035] - *where Shen discussed prompting the user with selection menu options of accepting a call forwarding / refusing a break-off condition of the forwarded call or routing the incoming call to a destination, i.e., answering machine;* and page 4, [0029] - *where Shen discussed the user accept a break-off condition of the forwarded call and the subscriber can accept the incoming call*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Shen into the teachings of Berg thus making the system more efficient by allowing the user or subscriber to control of the enabling and disabling the call forwarding in order to better handling the incoming calls based on his or her schedule.

As to claims 15 and 16, Berg and Shen do not teach the breaking-off condition is one of a maximal call charge and a maximal call duration depending on the calling party number including the possibility that no break-off condition exist for some certain calling party numbers. Selective call forwarding is an old and well-known telephony feature, and the advantage of using it is also well known. For example, the user / subscriber forwards all incoming calls except for important calls from his or her boss, spouse, or emergency calls.

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As to claims 17, 19, and 27, Shen et al. teaches an input to the terminal in reaction to the prompting is manually and automatically performed by the user (page 5, [0035]).

As to claim 18, Berg and Shen do not teach the forwarded call is cleared if there is no input within a specified time. This feature is also well known and the advantage of using it is also well known. For example, setting the time out to time out after a certain time period waiting for a response from the user, hence saving system resource.

8. Claims 30 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg (U.S. Patent 6,724,878) in view of Palviainen (U.S. Patent 5,920,812) and further in view of Pepper et al. (U.S. Patent 5,930,700) and further in view of Shen et al. (US 2001/0010691).

Claims 30 and 33-35 are rejected for the same reasons as discussed above with respect to claim 14.

### ***Response to Arguments***

9. Applicant's arguments filed 12/29/06 have been fully considered but they are not persuasive.

Applicant argues that information about a type of call in Palviainen indicates whether a call is a data call or a speech call, is different from information about a type of forwarding as set forth in claim 1 (Remarks, page 10). Examiner respectfully disagrees. Palviainen teaches determining whether a call is a data call or a speech call in order to

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perform the forwarding. For example, if a call is data call, omit the intermediate announcement and perform the call forwarding (col. 2, line 58 through col. 3, line 6; col. 6, lines 66-67). Another example is if a call is speech call forwards the call to secretary, and if a call is data call or telefax forwards the call to telefax number (col. 9, lines 10-16).

Applicant argues that there is no motivation to combine the teachings of Palviainen and Burg (Remarks, page 10). Examiner respectfully disagrees. The primary reference Burg teaches a method and system for forwarding an incoming call to a server where the calling station is given an option to leave a recorded message when a subscriber telephone line is busy as a result of the on-line connection. The secondary reference Palviainen was cited to fill in the missing feature information about a type of forwarding from Burg. Palviainen teaches the call forwarding checks the type of call if a call is data call, omit the intermediate announcement and perform the call forwarding (col. 2, line 58 through col. 3, line 6; col. 6, lines 66-67); and if a call is speech call forwards the call to secretary, and if a call is data call or telefax forwards the call to telefax number (col. 9, lines 10-16). The combination of the two references teaches the claims invention.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

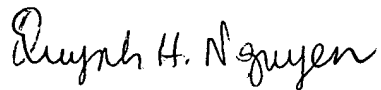
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 272-573-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, reading "Quynh H. Nguyen".

Quynh H. Nguyen

March 07, 2007